



The Commonwealth of Massachusetts

Office of Campaign & Political Finance

One Ashburton Place, Boston 02108

727-8352

Dennis J. Duffin
Director

AO-13-L

March 7, 1983

Kevin White Committee
William J. Galvin, Treasurer
P.O. Box 1838
Boston, MA 02105

Dear Mr. Galvin:

On January 12, 1983, this office was asked by you to review the propriety of certain matters relative to a campaign office in the White family home pursuant to G.L. c. 55, the Massachusetts campaign finance law.

M.G.L. c. 55, the law which this office is statutorily empowered to administer, regulates in an explicit and comprehensive manner all political fundraising and expenditures within the Commonwealth. Section 3 defines the powers and duties of the Director, and provides that he shall "respond with reasonable promptness to requests for information, interpretations and advice presented by candidates, state committees, political committees and members of the public." In accordance with this provision, this letter represents my response to the recent request for advice by the Kevin White Committee. Since no independent investigation has been conducted by this office relative to the matters in question, this letter does not purport to represent any findings or conclusions as to whether any particular conduct of your committee, in fact, violated the provisions of M.G.L. c. 55.

Since the time of your original letter to me, we have had discussions with Counsel to the Kevin White Committee. He has presented facts surrounding this entire matter, as well as arguments regarding the legitimacy of those expenditures under the campaign finance laws. At his request, we have examined the campaign finance reports of the Kevin White Committee as filed with the City Clerk of Boston in accordance with the provisions of G.L. c. 55. Counsel has indicated that the following expenditures, as shown on the campaign finance reports, are those which pertain to the campaign office in the White family home.

<u>1981</u>			<u>Purpose</u>	
5/28/81	Peter J. Brady	P.O. Box 8369 Boston	Office Expense	3900.00
11/10/81	"	"	"	2500.00

<u>1981</u>			<u>Purpose</u>	
7/14/81	J. McCusker, Inc	755 Boylston St.	Office Expense	1500.00
9/14/81	"	"	"	5500.00
11/10/81	"	"	"	3000.00

<u>1982</u>			<u>Purpose</u>	
2/19/82	Roche-Bobois Avenir Inc.	133 Lewis Wharf	Office Expense	7287.00
6/23/82	"	"	"	642.70
6/30/82	"	"	"	500.00
6/10/82	Jeff Young & Assoc.	26 Monument Sq.	Office Expense	1894.98

The following facts are representations made by counsel for the Kevin White Committee. For the purpose of responding to the request for advice, this office has made no independent investigation of any facts surrounding the matters in question, and is relying upon the facts as have been stated by authorized representatives of the Kevin White Committee.

FACTS AS STATED BY COUNSEL FOR THE WHITE COMMITTEE

In 1981, several structural changes were made to the basement of the White family home, located at 158 Mount Vernon Street, City of Boston. According to Counsel for the Kevin White Committee, the above listing of 1981 expenditures to Peter J. Brady and J. McCusker, Inc. appear to represent the expenses incurred and paid as a result of these structural changes, which included the installation of all new bathroom facilities. Of the total \$16,400, which was apparently spent for renovating the basement area of the White home for the purpose of establishing a campaign office, approximately \$5,000 was used for the purchase and installation of a new heating unit. This unit services the entire White house, as well as the basement area. These changes resulted in a complete renovation of the basement area of the White family home.

It was the intention of the White Committee to convert and use this basement space as a campaign office. The White Committee had, and continues to have, no other campaign office, and did not believe it appropriate to maintain political campaign documents in any office located on city property. The intention of the White Committee at that time was to have a campaign office which would be more frequently used as the campaign for Mayor of Boston became more active. Mr. White charges no rent to the White Committee for its use of space which is personally owned by him.

The area in question consists of a small office and larger room intended for meetings. In 1982, furniture was bought at Roche-Bobois Avenir, Inc. According to Counsel, those expenditures are reflected in the above list and represent a total of \$8,429.70. This furniture was placed in the large meeting room, and consists primarily of a leather sofa, two leather chairs, and several other smaller items.

In addition to outside access to the basement area, there is access from the White family home. The meeting room has been used by the Mayor's children for non-campaign related purposes. In 1982, the entire area was painted by Jeff Young & Associates..

THE CAMPAIGN FINANCE LAW

M.G.L. c. 55, section 7 affirmatively states that "a political committee or a person acting under the authority or on behalf of such a committee may receive money or its equivalent or expend or disburse or promise to expend or disburse the same for the purpose of aiding or promoting the success or defeat of a candidate at a primary or election or a political party or principle in public election or favoring or opposing the adoption or rejection of a question submitted to the voters, and for other purposes expressly authorized by this chapter subject, however, to the provisions thereof." Thus, the Kevin White Committee, a political committee organized on behalf of a candidate, must conduct itself in a manner consistent with the provisions of M.G.L. c. 55.

Section 6 of c. 55 sets forth standards for permissible expenditures of campaign funds by political committees such as the Kevin White Committee. It states "Any other political committee, duly organized may receive, pay and expend money or other things of value for the enhancement of the political future of the candidate or the principle, for which the committee was organized so long as such expenditure is not primarily for the candidates or any other person's personal use..." (emphasis supplied)

Thus, the law provides some guidance to be used in determining whether a particular expenditure is permitted under c. 55. If the expenditure does not enhance the political future of the candidate, it is not permitted. If the expenditure enhances the political future of the candidate, but is primarily to be used in a personal manner, it is not permitted. Section 6 clearly permits a political committee to expend its campaign funds solely for those items which enhance the political future of the candidate for which the committee was organized and which is not primarily for the candidate's or any other person's personal use.

In my opinion, a campaign office established on behalf of one's candidacy for public office would, in most circumstances "enhance the political future of that candidate." Thus, appropriate expenses in connection with such an office, including furnishings and equipment consistent with its use as a campaign office, would be permissible under c. 55, provided such expenditures are not prohibited by the limitations on personal use. These expenditures however, must clearly be in

relation to an area which is used primarily for campaign purposes. While the living room of one's home may be used for an occasion related to one's candidacy, the primary role it necessarily plays in one's personal life, rather than one's campaign, renders expenses in connection with the room itself inappropriate under the campaign finance law.

It is my opinion that G.L. c. 55 does not prohibit the establishment of a legitimate campaign office in one's home. However, in light of the provisions of Section 6 regarding the restriction on personal use, such expenditures must be appropriate for a campaign office. This test must be applied to all elements of structural changes, renovations, furnishings, and equipment, including bathroom facilities and heating systems, purchased by a political committee for its office. For example, expenditures for certain bathroom facilities inappropriate to a campaign office would be "primarily for the candidate's or any other person's personal use," and therefore prohibited by Section 6. Furthermore, the restriction on personal use would not permit a political committee to make expenditures in connection with a heating system which primarily services a family home, and incidentally services a campaign office.

While c. 55 does not prohibit appropriate expenditures in connection with a campaign office in one's home, the provisions of c. 55 suggest the necessity of certain guidelines for the use of an office at such a location. Because a campaign office is funded by a political committee, its use must be generally restricted to appropriate use by the political committee. It may not be used in a primarily personal manner by the candidate or any other person. While it may be located in the candidate's home, or adjoining the candidate's home, it may not be used to enhance the personal lifestyle of the candidate, members of his family, or any other person. Access to the area designated as the campaign office should be primarily limited to those persons and those activities related to the work of the political committee. It should not be used to entertain personal guests inconsistent with the requirements of c. 55 that expenditures enhance the political future of the candidate. It should not be viewed as an extension of one's home, but rather as an area for use by the committee, and its use and access by individuals must be consistent with that view. As stated above, expenditures in connection with such an office must be appropriate and reasonable so as not to suggest that the purpose of the items and services acquired extends beyond the statutory requirements that such expenditures enhance the political future of the candidate and are not primarily personal.

Chapter 55 requires that political committees disclose all its contributions and expenditures. Pursuant to Section 1, a contribution may be "of money or anything of value." A political committee which uses office space free-of-charge may be receiving something of value from the owner of that space when it is more than mere incidental use, and such value should therefore be reported by the political committee as a contribution-in-kind.

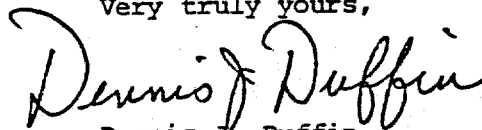
Any item or any other thing of value which is acquired with funds of a political committee remain the property of that committee. At such time that the Kevin White Committee no longer uses the basement area of the White family home as a campaign office, no such things of value acquired through committee expenditures may become "primarily for the candidates or any other person's personal

Mr. Galvin
March 7, 1983
Page 5

use," as stated in Section 6. Furthermore, at such time that the committee is dissolved, these items must be disposed of in accordance with the provisions for dissolution contained in G.L. c. 55.

As previously stated, the above does not reflect any finding as to the legality of any particular activity of the Kevin White Committee, but represents my response to your recent request for advice in accordance with the campaign finance laws. In addition, I express no view concerning the application of any other local, state, or federal law to the matters presented since such issues are not within the jurisdiction of this office.

Very truly yours,


Dennis J. Duffin
Director

DJD/rep

cc: Honorable Kevin White
Thomas Edwards, Esquire